



U.S. Department of Justice
Office of Information Policy
Sixth Floor
441 G Street, NW
Washington, DC 20001

Telephone: (202) 514-3642

Emma Best
MuckRock News
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Re: Appeal No. DOJ-AP-2019-002527
Request No. 1421625
DRC:JNW

VIA: Email

Dear Emma Best:

You appealed from the action of the Federal Bureau of Investigation on your Freedom of Information Act request for access to records concerning investigations of or attempts to monitor Soviet efforts to influence U.S. leaders and elites. I note that your appeal concerns the withholdings made by the FBI and the adequacy of the FBI's search.

After carefully considering your appeal, and as a result of discussions between FBI personnel and this Office, I am remanding your request in part to the FBI for a further search for additional responsive records. If the FBI locates additional releasable records, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by the FBI. If you would like to inquire about the status of this remanded request or to receive an estimated date of completion, please contact the FBI directly at (540) 868-1535. I am otherwise affirming the FBI's action on your request.

The FOIA provides for disclosure of many agency records. At the same time, Congress included in the FOIA nine exemptions from disclosure that provide protection for important interests such as personal privacy, privileged communications, and certain law enforcement activities. A portion of the information responsive to your request is classified. I am affirming the FBI's withholding of this information pursuant to 5 U.S.C. § 552(b)(1), which protects classified information from disclosure. Additionally, if you would like to challenge the classification of these records, you may appeal to the Department of Justice's Department Review Committee (DRC) by writing to this Office. If you seek such review, the DRC will determine if this information should remain classified under Executive Order No. 13,526, and will inform you if any information is declassified. Please note that seeking such review does not affect your right to pursue litigation of the Department's FOIA determination on your request.

Additionally, the FBI properly withheld certain information because it is protected from disclosure under the FOIA pursuant to:

5 U.S.C. § 552(b)(6), which concerns material the release of which would constitute a clearly unwarranted invasion of the personal privacy of third parties; and

5 U.S.C. § 552(b)(7)(C), which concerns records or information compiled for law enforcement purposes the release of which could reasonably be expected to constitute an unwarranted invasion of the personal privacy of third parties.

Please be advised that for each of these exemptions, it is reasonably foreseeable that disclosure of the information withheld would harm the interests protected by these exemptions.

Please be advised that this Office's decision was made only after a full review of this matter. Your appeal was assigned to an attorney with this Office who thoroughly reviewed and analyzed your appeal, your underlying request, and the action of the FBI in response to your request.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

For your information, the Office of Government Information Services (OGIS) offers mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; email at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

Sincerely,

9/17/2019

X 

Sean R. O'Neill

Chief, Administrative Appeals Staff
Signed by: SEAN O'NEILL